

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCISCO TORRES,)	CASE NO. 8:08CV244
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

This matter is before the Court on the Plaintiff's Amended Motion for Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).¹ (Filing No. 39.) Plaintiff's counsel seeks compensation for 34.1 hours of his time, as more fully described in the Plaintiff's Amended Motion for Attorney's Fees. (Filing No. 39). The motion and the reasonableness of Counsel's time expended is supported by the attachments to the Plaintiff's motion. (See Filing No. 39 at 8-16.) The Plaintiff seeks an attorney's fee of \$4,262.50, representing a rate of \$125.00 per hour. (Filing No. 39.) The Plaintiff also requests an award of \$37.40 in expenses for service of process. (Filing No. 39.)

The Defendant has filed a Response indicating that the Defendant has no objection to these two awards under the EAJA, nor does the Defendant object to the Court's awarding the fees directly to Plaintiff's counsel. (Filing No. 41). The Court has reviewed the parties' submissions and finds the award of \$4,299.90 is reasonable and properly supported. Accordingly,

¹ Because the Plaintiff has filed an amended motion for attorney's fees (Filing No. 39), to which the Defendant has offered no objection (see Filing No. 41), the Court dismisses the Plaintiff's original motion for attorney's fees as moot (Filing No. 33).

IT IS ORDERED:

1. The Plaintiff Francisco Torres's Amended Motion for Attorney Fees under the EAJA (Filing No. 39) is granted;
2. The Plaintiff's Motion for Attorney Fees (Filing No. 33) is denied as moot; and
3. The Plaintiff Francisco Torres is awarded attorney fees in the amount of \$4,299.90, payable to Glenn A. Pettis, Jr., Attorney at Law.

DATED this 12th day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge